

Part 2

Group

Exhibit C

Depositions of Mike Aprile, Charles August, Steven Cisco, Ryan Drew, Joe Farrell, Joseph Ward,
James Miller, Stan Simrayh, James Schweihs, and Mr. Quigley.

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

TAMMY BARKER, TIMOTHY)
ROBERT BARKER, AND MELISA)
MERRYMAN,)
Plaintiffs,) No. 08 CV 50015
vs.)
LOCAL 150 INTERNATIONAL)
UNION OF OPERATING)
ENGINEERS AFL-CIO,)
Defendant.)

The discovery deposition of CHARLES AUGUST,
taken before Patricia A. Cadrecha, C.S.R., a
notary public in and for the County of McHenry
and State of Illinois, at 14212 Washington
Street, Woodstock, Illinois, on January 5, 2009,
at the hour of 10:30 o'clock a.m.

1 APPEARANCES:

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3
4 UNGARETTI & HARRIS, by
5 MR. DEAN J. POLALES,
6 AND
7 ROBERT T. HANLON LAW OFFICE, by
8 MR. ROBERT T. HANLON
9 appeared on behalf of the Plaintiffs;

10 GUMMERSON & RAUSCH, by
11 MR. R. MARK GUMMERSON
12 appeared on behalf of the Defendant.

13 I N D E X

14 Witness: Page

15
16 CHARLES AUGUST

17 Examination by:

18 Mr. Polales..... 4
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22
23
24

1 THE WITNESS: My name is Dean Polales, and
2 I'm one of the attorneys for the Plaintiffs in
3 this case, captioned Tammy Barker, Timothy Robert
4 Barker, and Melisa Merryman, on behalf of
5 themselves and on behalf of those
6 similarly-situated, plaintiffs, versus Local 150
7 International Union of Operating Engineers,
8 AFL-CIO, pending before Judge Frederick Kapala
9 and Magistrate Judge P. Michael Mahoney.
10 No. 2008 CV 50015.

11 This deposition is taken pursuant
12 to the Federal Rules of Civil Procedure and local
13 rules of the U.S. District Court for the Northern
14 District of Illinois. Time is now 10:30.

15 Present is Robert Hanlon, another
16 attorney for the Plaintiffs; Mr. R. Mark
17 Gummerson.

18 And your name is?

19 THE WITNESS: Charles Alfred August.

20 MR. POLALES: And Mr. August, you received a
21 subpoena for your appearance at a deposition at
22 some point in this case; is that correct?

23 THE WITNESS: Yes, sir.

24 MR. POLALES: And then by agreement with

1 Mr. Gummerson's office, we set the date for
2 today; is that correct?

3 THE WITNESS: Yes, sir.

4 THE COURT REPORTER: I need to swear in the
5 witness.

6 (Witness duly sworn.)

7 CHARLES AUGUST,
8 having been first duly sworn, was examined and
9 testified as follows:

10

11 EXAMINATION

12 BY MR. POLALES:

13

14 Q And were the answers you just gave true?

15 A Yes.

16 Q And I'm going to be asking you a series
17 of questions about the lawsuit and some of the
18 facts associated with it.

19 I take it you have been -- you have
20 given testimony at a deposition before?

21 A Yes.

22 Q So you know that the court reporter
23 can't take down a nod of the head or a shake of
24 the head and you should answer audibly; is that

1 correct?

2 A Yes, sir.

3 Q Mr. August, where do you presently
4 reside?

5 A 27961 North Murtle Street, Wauconda,
6 Illinois, 60084.

7 Q How long have you lived there?

8 A 12 years, approximately, in this home.

9 Q Do you maintain any other residence?

10 A No, sir.

11 Q Where did you reside before that?

12 A Right next door.

13 Q Are you married?

14 A Yes, sir.

15 Q And I know from talking to you before
16 the dep you have a couple of children?

17 A Beautiful children, yes.

18 Q What do you do for a living?

19 A I am a business agent organizer for
20 Local 150, the International Union of Operating
21 Engineers.

22 Q How long have you been so employed?

23 A 21 years.

24 Q What did you do before that?

1 A I was an operator of heavy equipment.

2 Q You're a member of Local 150 as well?

3 A Yes, sir.

4 Q How long have you been a member?

5 A Just short of 25 years, sir.

6 Q Is your full-time job as a business
7 agent?

8 A I respectfully decline to answer that
9 question based on the advice from my counsel and
10 invoke my rights pursuant to the Fifth Amendment
11 of the U.S. Constitution.

12 Q Okay. If you're going to do that we
13 could save some time and you could just say, "I
14 rest on my right to remain silent." We'll
15 understand that that's the answer.

16 MR. GUMMERSON: He's going to do that, but
17 you can put that on the record.

18 BY MR. POLALES:

19 Q Is that okay?

20 A That's quite all right, sir.

21 Q Okay. Do you have any other employment
22 at the present time?

23 MR. GUMMERSON: He'll decline to answer.

24

1 BY MR. POLALES:

2 Q Do you agree with counsel?

3 A Yes, sir.

4 Q Okay. So if you decline to answer, then
5 I will understand you, and you will mean that
6 you're resting on your right to remain silent
7 under the Fifth Amendment of the U.S.
8 Constitution; do we agree?

9 A Yes, sir.

10 Q Okay. If you have any other reason for
11 declining to answer other than that, will you
12 state that on the record?

13 MR. GUMMERSON: He will.

14 BY MR. POLALES:

15 Q Okay. And how far did you go in school,
16 sir?

17 MR. GUMMERSON: He declines to answer.

18 BY MR. POLALES:

19 Q But I'd like to hear you say it audibly.

20 A I respectfully decline to answer
21 based --

22 Q You don't have to say the whole thing.
23 Just decline to answer and we will both agree
24 that that means that you decline based on your

1 Fifth Amendment right.

2 A I decline to answer, sir, based on my
3 Fifth Amendment right.

4 Q When were you born?

5 A I decline to answer based on my Fifth
6 Amendment right.

7 Q What is your Social Security number?

8 A I decline to answer based on my Fifth
9 Amendment right.

10 Q Have you lived in the last ten years at
11 any place other than 27961 North Murtle Street in
12 Wauconda?

13 A I decline to answer.

14 Q Your wife's name is Kimberly August?

15 A I decline to answer.

16 Q And do you have a cell phone?

17 A I decline to answer based on my Fifth
18 Amendment.

19 Q What is your current cell phone number?

20 A I decline to answer based on my Fifth
21 Amendment.

22 Q How long have you had that cell phone?

23 A I decline to answer based on my Fifth
24 Amendment.

1 Q Who provides cell service for your
2 phone?

3 A I respectfully decline to answer based
4 on my Fifth Amendment.

5 Q What cellular service providers have you
6 had since October of 2004?

7 A I respectfully decline to answer based
8 on my Fifth Amendment.

9 Q Can you tell me what the duties of a
10 business agent are for Local 150?

11 A I decline to answer based on my Fifth
12 Amendment.

13 Q Can you tell me what your duties are for
14 Local 150?

15 A I respectfully decline to answer based
16 on my Fifth Amendment.

17 Q Have you ever held yourself out to be
18 the president of Local 150?

19 A I respectfully decline based on my Fifth
20 Amendment.

21 Q Have you ever held yourself out to be a
22 business manager of Local 150?

23 A I respectfully decline based on my Fifth
24 Amendment.

1 Q Have you ever completed a credit
2 application listing yourself as president?

3 A I respectfully decline based on my Fifth
4 Amendment.

5 Q Have you ever held yourself out to be a
6 business manager of Local 150 on a credit
7 application?

8 A I respectfully decline to answer.

9 Q A business agent is sometimes referred
10 to as a BA in your business; is that correct?

11 A I respectfully decline.

12 Q How did you get your job at the local --

13 A I respectfully decline to answer based
14 on my Fifth Amendment.

15 Q Did you ever receive any training from
16 Local 150 or anyone else for your duties as a
17 business agent?

18 A I respectfully decline to answer.

19 Q Did you ever receive any training from
20 Local 150 in connection with your membership or
21 any duties you had for Local 150?

22 A I respectfully decline to answer.

23 Q Have you ever taken any classes on any
24 federal labor laws?

1 A I respectfully decline to answer.

2 Q Are you familiar with the NLRA?

3 A I respectfully decline to answer.

4 Q Are you familiar with the
5 Norris-La Guardia Act?

6 A I respectfully decline based on my Fifth
7 Amendment.

8 Q Are you familiar with the Taft-Hartley
9 Act?

10 A I respectfully decline based on my Fifth
11 Amendment.

12 Q Are you familiar with something called
13 the Driver's Privacy Protection Act?

14 A I respectfully decline based on my Fifth
15 Amendment.

16 Q Do you engage in organizational
17 activities on behalf of Local 150?

18 A I respectfully decline based on my Fifth
19 Amendment.

20 Q Do you engage in any other activities on
21 behalf of Local 150?

22 A I respectfully decline based on my Fifth
23 Amendment.

24 Q It's true, isn't it, that you contact

1 employees of employers who do not have agreements
2 with Local 150 in order to try to organize them?

3 A I respectfully decline based on my Fifth
4 Amendment.

5 Q And Local 150 represents people who
6 operate equipment; is that correct?

7 A I respectfully decline based on my Fifth
8 Amendment.

9 Q Local 150 generally represents those who
10 engage in operating heavy equipment; is that
11 correct?

12 A I respectfully decline based on my Fifth
13 Amendment.

14 Q Have you ever been a party to a lawsuit?

15 A I respectfully decline based on my Fifth
16 Amendment.

17 Q Sir, are you currently a party in a
18 company -- in a lawsuit called MEX versus
19 Local 150 -- Merryman Excavation versus
20 Local 150?

21 A I respectfully decline based on my Fifth
22 Amendment.

23 Q And sir, are you currently a party in a
24 case called Merryman Excavation versus Charles

1 August?

2 A I respectfully decline based on my Fifth
3 Amendment.

4 Q And are you currently a defendant or a
5 party in a case called Peter Pena, Jr., and
6 Daniel Pena versus Local 150?

7 A I respectfully decline to answer.

8 Q Are you a party in a case called August
9 and Pearson versus Susan Anicki (phonetic)?

10 A I respectfully decline based on my Fifth
11 Amendment.

12 Q Sir, do you have any tax liens pending
13 against you?

14 A I respectfully decline based on my Fifth
15 Amendment.

16 Q Have you ever been a party in any legal
17 proceeding that I have not mentioned?

18 A I respectfully decline based on my Fifth
19 Amendment.

20 Q Have you ever been charged with a crime,
21 sir?

22 A I respectfully decline based on my Fifth
23 Amendment.

24 Q Were you ever charged with disorderly

1 conduct?

2 A I respectfully decline based on my Fifth
3 Amendment.

4 Q How about battery?

5 A I respectfully decline based on my Fifth
6 Amendment.

7 Q How about jury tampering?

8 A I respectfully decline based on my Fifth
9 Amendment.

10 Q How about aggravated battery?

11 A I respectfully decline based on my Fifth
12 Amendment.

13 Q How about resisting?

14 A I respectfully decline based on my Fifth
15 Amendment.

16 Q How about criminal damage to property?

17 A I respectfully decline based on my Fifth
18 Amendment.

19 Q Have you ever testified in a deposition
20 before?

21 A I respectfully decline based on my Fifth
22 Amendment.

23 Q Do you understand the deposition is what
24 we're doing here today?

1 A I respectfully decline based on my Fifth
2 Amendment.

3 Q Have you always testified truthfully
4 when you testified in prior depositions?

5 A I respectfully decline based on my Fifth
6 Amendment.

7 Q Have you ever testified in any trial?

8 A I respectfully decline based on my Fifth
9 Amendment.

10 Q Are you now the subject of any criminal
11 investigations to the best of your knowledge?

12 A I respectfully decline based on my Fifth
13 Amendment.

14 Q Have you heard that you are the subject
15 of a criminal investigation?

16 A I respectfully decline based on my Fifth
17 Amendment.

18 Q Have you been contacted by any federal
19 law enforcement agents in the last two years?

20 A I respectfully decline based on my Fifth
21 Amendment.

22 Q Have you given any statements to anybody
23 in federal government in the last two years?

24 A I respectfully decline based on my Fifth

1 Amendment.

2 Q Part of your job is to visit
3 construction sites; is that correct?

4 A I respectfully decline based on my Fifth
5 Amendment.

6 Q Have you ever been to a meeting where
7 access to motor vehicle records was discussed?

8 A I respectfully decline based on my Fifth
9 Amendment.

10 Q Have you ever been to a meeting on
11 behalf of Local 150 where access to motor vehicle
12 records was discussed?

13 A I respectfully decline based on my Fifth
14 Amendment.

15 Q Have you ever been to a meeting as part
16 of your duties as an employee of Local 150 where
17 access to motor vehicle records was discussed?

18 A I respectfully decline based on my Fifth
19 Amendment.

20 Q Have you ever had any contact with the
21 Illinois Secretary of State's office or its
22 employees or agents in connection with access to
23 motor vehicle records?

24 A I respectfully decline based on my Fifth

1 Amendment.

2 Q Have you ever obtained any motor vehicle
3 records other than motor vehicle records for your
4 own car?

5 A I respectfully decline based on my Fifth
6 Amendment.

7 Q Have you ever used motor vehicle records
8 other than your own?

9 A I respectfully decline based on my Fifth
10 Amendment.

11 Q Have you ever disclosed motor vehicle
12 records other than your own?

13 A I respectfully decline based on my Fifth
14 Amendment.

15 Q Have you ever had the occasion to note
16 license plates on vehicles during the course of
17 your duties for Local 150?

18 A I respectfully decline based on my Fifth
19 Amendment.

20 Q Have you ever had occasion to note
21 license plates on vehicles in connection with
22 your duties as an employee of Local 150? It
23 might be the same question.

24 A I respectfully decline based on my Fifth

1 Amendment.

2 Q Have you ever had occasion to take note
3 of any license plates on any motor vehicles in
4 order to obtain information about the motor
5 vehicle or its ownership?

6 A I respectfully decline based on my Fifth
7 Amendment.

8 Q Have you ever obtained any personal
9 information, other than your own, from any motor
10 vehicle record?

11 A I respectfully decline based on my Fifth
12 Amendment.

13 Q Have you ever done that in connection
14 with your duties as a business agent for
15 Local 150?

16 A I respectfully decline to answer based
17 on my Fifth Amendment.

18 Q Have you ever used any personal
19 information that came from a motor vehicle record
20 during the course of your duties for Local 150?

21 A I respectfully decline based on my Fifth
22 Amendment.

23 Q Have you ever disclosed any personal
24 information that came to your attention as a

1 result of your access to motor vehicle records in
2 connection with your duties as an employee of
3 Local 150?

4 A I respectfully decline based on my Fifth
5 Amendment.

6 Q Have you ever received any motor vehicle
7 records in any form?

8 A I respectfully decline to answer based
9 on my Fifth Amendment.

10 Q Have you ever received any
11 electronically stored motor vehicle record
12 information?

13 A I respectfully decline based on my Fifth
14 Amendment.

15 Q Have you ever received any compact disks
16 or DVD's containing motor vehicle records in the
17 course of your duties as a business agent for
18 Local 150?

19 A I respectfully decline based on my Fifth
20 Amendment.

21 Q Have you ever accessed any of the motor
22 vehicle records imbedded on any CD or DVD or
23 electronically-stored information?

24 A I respectfully decline to answer based

1 on my Fifth Amendment.

2 Q Do you know a lady named Linda Soria?

3 A I respectfully decline to answer.

4 Q Do you have an opinion as to Linda
5 Soria's honesty?

6 A I respectfully decline to answer.

7 Q Are you aware of Linda Soria's
8 reputation with respect to honesty?

9 A I respectfully decline to answer.

10 Q Do you know that Linda Soria worked for
11 Local 150?

12 A I respectfully decline to answer.

13 Q Do you know that Linda Soria accessed
14 motor vehicle record information during the
15 course of her job at Local 150?

16 A I respectfully decline to answer.

17 Q Linda Soria ran -- or did Linda Soria
18 access motor vehicle information at your request?

19 A I respectfully decline to answer.

20 Q During the course of your duties at
21 Local 150 you investigate conduct that might lead
22 to a grievance being filed by the local against
23 an employer; is that right?

24 A I respectfully decline to answer.

1 Q During the course of your duties did you
2 engage in conduct with a view toward organizing
3 employees to join the union at particular
4 employers?

5 A I respectfully decline to answer.

6 Q Are you aware that one way to organize a
7 company so that its employees are members of the
8 local is to sign a memorandum of agreement?

9 A I respectfully decline to answer.

10 Q You have asked employers to sign
11 memorandums of agreement on behalf of Local 150;
12 is that correct?

13 A I respectfully decline to answer.

14 Q Every signatory employer to a Local 150
15 contract does not necessarily label its equipment
16 with the names of the company, do they?

17 A I respectfully decline to answer.

18 Q When you're doing your job you have to
19 be able to identify employers who have agreements
20 with Local 150 who are working at job sites;
21 isn't that correct?

22 A I respectfully decline to answer.

23 Q How do you go about identifying persons
24 on a job site?

1 A I respectfully decline to answer.

2 Q How do you go about identifying who the
3 employers are at a job site?

4 A I respectfully decline to answer.

5 Q Do you use business cards -- ask for
6 business cards at job sites to see who you're
7 dealing with, don't you?

8 A I respectfully decline to answer.

9 Q You sometimes engage in communications
10 with Local 150 personnel in order to determine
11 who employers are that have agreements with
12 Local 150 during the course of your job?

13 A I respectfully decline to answer.

14 Q Do you know the names of contractors or
15 employers who are -- who have agreements with
16 Local 150?

17 A I respectfully decline to answer.

18 Q Do you know which contractors or
19 employers have labor agreements with Local 150
20 and which do not?

21 A I respectfully decline to answer.

22 Q How is it that you might identify a
23 Local 150 organized contractor from a
24 non-Local 150 contractor?

1 A I respectfully decline to answer.

2 Q Do you know which employers are
3 signatories to a Local 150 contract and which
4 employers are not?

5 A I respectfully decline to answer.

6 Q Have you made any contributions to any
7 funds administered by Local 150?

8 A I respectfully decline to answer.

9 Q Have you ever made payments to something
10 called the Christmas Fund?

11 A I respectfully decline to answer.

12 Q Have you ever made payments to something
13 called the Employer/Employee Assistance Fund?

14 A I respectfully decline to answer.

15 Q Can you tell me what the Christmas Fund
16 is?

17 A I respectfully decline to answer.

18 Q Can you tell what it's used for?

19 A I respectfully decline to answer.

20 Q How often have you made payments into
21 the Christmas Fund?

22 A I respectfully decline to answer.

23 Q Who do you give your payments to for the
24 Christmas Fund?

1 A I respectfully decline to answer.

2 Q Have you ever paid the Christmas Fund by
3 check?

4 A I respectfully decline to answer.

5 Q How much have you paid to the Christmas
6 Fund?

7 A I respectfully decline to answer.

8 Q Have you ever received any payment from
9 the Christmas Fund?

10 A I respectfully decline to answer.

11 Q Have you ever received any payment from
12 the Employee Assistance Fund?

13 A I respectfully decline to answer.

14 Q Have you ever had any of your bills or
15 expenses paid by the Christmas Fund?

16 A I respectfully decline to answer.

17 Q Have you ever had any of your bills or
18 expenses paid by the Employee Assistance Fund?

19 A I respectfully decline to answer.

20 Q Have you ever transferred money from the
21 Christmas Fund to anyone else?

22 A I respectfully decline to answer.

23 Q Have you ever transferred money from the
24 Employee Assistance Fund to anyone else?

1 A I respectfully decline to answer.

2 Q Have you ever had your attorneys' fees
3 paid by Local 150?

4 A I respectfully decline to answer.

5 Q Have you ever had your attorneys'
6 fees -- that's okay. I'll withdraw that.

7 Are you aware of whether or not
8 Local 150 has ever used Christmas Fund money to
9 pay for motor vehicle records?

10 A I respectfully decline to answer, sir.

11 Q Has Local 150 ever used Employee
12 Assistance Fund money to pay for motor vehicle
13 records?

14 A I respectfully decline to answer.

15 Q Are you aware that Local 150 has paid
16 for motor vehicle records purchased from the
17 Secretary of State?

18 A I respectfully decline to answer.

19 Q Do you know a man named James
20 Limbaugh (phonetic)?

21 A I respectfully decline to answer.

22 Q Have you ever had any agreement with
23 Mr. Limbaugh?

24 A I respectfully decline to answer, sir.

1 Q Is there any reason that Jim Limbaugh
2 would make a payment to you individually?

3 A I respectfully decline to answer, sir.

4 Q Has Mr. Limbaugh ever paid you any
5 money?

6 A I respectfully decline to answer, sir.

7 Q Have you ever threatened Mr. Limbaugh
8 with loss of membership if he didn't pay you
9 money?

10 A I respectfully decline to answer, sir.

11 Q Other than your lawyer, have you
12 discussed this case -- that is the case of
13 Barker, Barker and Merryman versus
14 Local 150 -- with anyone else?

15 A I respectfully decline to answer.

16 Q And do you have any nicknames or names
17 other than your given name which you have been
18 called for the last ten years?

19 A I respectfully decline to answer.

20 Q Do you know a man named Scott Dahl?

21 A I respectfully decline to answer.

22 Q Do you know that he used to be a
23 Local 150 business agent?

24 A I respectfully decline to answer, sir.

1 Q Have you ever asked a person to lie
2 under oath in any proceeding?

3 A I respectfully decline to answer.

4 Q Do you know a man named Ronald Pullman?

5 A I respectfully decline to answer.

6 Q Are you aware that Mr. Pullman executed
7 an affidavit in a different case where you were
8 involved in which he indicated that you coerced
9 him to lie under oath?

10 A I respectfully decline to answer.

11 Q In your life has any judge ever declared
12 a mistrial on any case because he found that you
13 tampered or interfered with a juror?

14 A I respectfully decline to answer, sir.

15 Q You were named a party in
16 Peace (phonetic) versus Local 150 after a
17 mistrial, were you not?

18 A I respectfully decline to answer.

19 Q And that case was pending before
20 Judge Hoogasian; are you aware of that?

21 A I respectfully decline to answer.

22 Q And you were named as a party in that
23 case after he declared a mistrial; isn't that
24 correct?

1 A I respectfully decline to answer.

2 Q The reason the Court gave for the
3 mistrial was that you had tampered with a juror;
4 is that correct?

5 A I respectfully decline to answer.

6 Q Are the attorneys for Local 150 business
7 agents, to your knowledge?

8 A I respectfully decline to answer, sir.

9 Q Are any of the business agents for
10 Local 150 attorneys?

11 A I respectfully decline to answer.

12 Q Does Local 150 maintain an assistance
13 fund?

14 A I respectfully decline to answer.

15 Q Do members of Local 150 write requests
16 for money from the assistance fund?

17 Do members of Local 150 write
18 requests for money from the assistance fund?

19 A I respectfully decline to answer.

20 Q Isn't that part of your job, to write up
21 requests for assistance funds?

22 A I respectfully decline to answer.

23 Q Do you know if there's any accounting
24 for the moneys in the assistance fund?

1 A I respectfully decline based on my Fifth
2 Amendment.

3 Q Do you know what kind of accounting for
4 the assistance fund exists?

5 A I respectfully decline to answer.

6 Q Did you ever access motor vehicle
7 information at the request of Steve Cisco?

8 A I respectfully decline to answer.

9 Q Did Mr. Sweeney, James Sweeney, ever ask
10 you to run license plates in connection with your
11 position as a business agent?

12 A I respectfully decline to answer.

13 Q Did Mr. Cisco ever ask you to run
14 plates?

15 A I respectfully decline to answer.

16 Q Did either -- did Mr. Cisco ever ask you
17 to determine what motor vehicle records or
18 information was available in connection with a
19 particular license plate?

20 A I respectfully decline to answer.

21 Q Did Mr. Cisco ever ask you to obtain
22 information for motor vehicle records?

23 A I respectfully decline to answer.

24 Q Did Mr. Sweeney ever ask you to obtain

1 information from motor vehicle records?

2 A I respectfully decline to answer.

3 Q Did any officer or employee of Local 150
4 ever provide you with motor vehicle records?

5 A I respectfully decline to answer.

6 Q Did any officer or employee of Local 150
7 ever provide you with information for motor
8 vehicle records?

9 A I respectfully decline to answer, sir.

10 Q Do you know whether anyone at Local 150
11 ever accessed motor vehicle records containing
12 personal information?

13 A I respectfully decline to answer.

14 Q Do you know whether anyone at Local 150
15 ever used a license plate number to access motor
16 vehicle information?

17 A I respectfully decline to answer.

18 Q Do you know a man named Herb
19 Base (phonetic)?

20 A I respectfully decline to answer.

21 Q If I asked you any questions about
22 Mr. Base, would you decline to answer?

23 A I respectfully decline to answer.

24 Q Do you know a man named Kevin Burke,

1 B-u-r-k-e?

2 A I respectfully decline to answer.

3 Q Do you know a person named Fenton Cross?

4 A I respectfully decline to answer.

5 Q Do you know a person named Bob Darling?

6 A I respectfully decline to answer, sir.

7 Q Do you know a person named Angela
8 DelRivera (phonetic)?

9 A I respectfully decline to answer.

10 Q Do you know a person named Albert
11 Dunker (phonetic)?

12 A I respectfully decline to answer.

13 Q Do you know a person named Tom
14 Feralo (phonetic)?

15 A I respectfully decline to answer.

16 Q Did any of those people ever ask you to
17 obtain motor vehicle records?

18 A I respectfully decline to answer.

19 Q Did any of them ever ask you to obtain
20 motor vehicle information from license plates?

21 A I respectfully decline to answer.

22 Q Did you ever provide any motor vehicle
23 record information to any of those persons?

24 A I respectfully decline to answer.

1 Q Did you ever provide any of those
2 persons with license plate information so that
3 they could obtain motor vehicle information?

4 A I respectfully decline to answer, sir.

5 Q What is the task force?

6 A I respectfully decline to answer.

7 Q Do you know who runs the task force?

8 A I respectfully decline to answer.

9 Q What does the task force do?

10 A I respectfully decline to answer.

11 Q Has the task force ever been used in
12 connection with the organizing of a company
13 called PSI?

14 A I respectfully decline to answer.

15 Q Has Local 150 ever attempted to organize
16 PSI?

17 A I respectfully decline to answer.

18 Q During the period from January 2002 to
19 the present can you tell me the procedure used by
20 Local 150 to issue a check?

21 A I respectfully decline to answer.

22 Q Do you have any information about how
23 Local 150 decides to issue a check since
24 January 2002?

1 A I respectfully decline to answer.

2 Q Are checks written by hand signature,
3 autograph, or machine?

4 A I respectfully decline to answer.

5 Q Do you know a man named Bill Dugan?

6 A I respectfully decline to answer.

7 Q Do you know that Bill Dugan was an
8 employee and president of Local 150?

9 A I respectfully decline to answer.

10 Q Do you know that Bill Dugan was a
11 business manager of Local 150?

12 A I respectfully decline to answer.

13 Q Did Mr. Dugan ask you to approve checks
14 paid by Local 150?

15 A I respectfully decline to answer, sir.

16 Q Have you ever been to Hancock, Maryland?

17 A I respectfully decline to answer.

18 Q Have you ever been to Maryland?

19 A I respectfully decline to answer.

20 Q Ever been in the vicinity of Hancock,
21 Maryland?

22 A I respectfully decline to answer.

23 Q Have you ever given Mr. Dugan any form
24 of pipe?

1 A I respectfully decline to answer.

2 Q What type of pipe did you give
3 Mr. Dugan?

4 A I respectfully decline to answer.

5 Q Where did you get the pipe?

6 A I respectfully decline to answer, sir.

7 Q How did you pay for the pipe you gave
8 Mr. Dugan?

9 A I respectfully decline to answer.

10 Q Do you know what it was that you did
11 that prompted Mr. Dugan to write, "Good job,
12 Chuck" in the Local 150 International Union of
13 Operating Engineers AFL-CIO magazine?

14 A I respectfully decline to answer.

15 Q Do you know what it was that you did
16 that prompted Mr. Dugan to write "Good job,
17 Chuck" in any magazine?

18 A I respectfully decline to answer.

19 Q Do you know what it was that you did
20 that prompted Mr. Dugan to write "Good job,
21 Chuck" in any newspaper?

22 A I respectfully decline to answer.

23 Q Sir, have you ever set fire to any
24 property not your own?

1 A I respectfully decline to answer.

2 Q Have you ever obtained motor vehicle
3 records containing personal information related
4 to any Illinois license plate other than your
5 own?

6 A I respectfully decline to answer.

7 Q Can you tell me the purpose of obtaining
8 any license plate ownership information?

9 A I respectfully decline to answer.

10 Q Can you tell me how you obtained license
11 plate ownership information?

12 A I respectfully decline to answer.

13 Q Can you tell me when you have obtained
14 license plate ownership information?

15 A I respectfully decline to answer.

16 Q Who provided you with license plate
17 ownership information?

18 A I respectfully decline to answer, sir.

19 Q Did you ever obtain the consent of any
20 vehicle owner before obtaining that license plate
21 ownership information?

22 A I respectfully decline to answer, sir.

23 Q Did you ever obtain the consent of any
24 vehicle owner before obtaining any of their motor

1 vehicle record information?

2 A I respectfully decline to answer.

3 Q Did you ever obtain the consent of any
4 vehicle owner before obtaining any personal
5 information from their motor vehicle record
6 information?

7 A I respectfully decline to answer.

8 Q Are you familiar with the software used
9 by Local 150 to obtain license plate information?

10 A I respectfully decline to answer.

11 Q Are you familiar with any information
12 that Local 150 has with respect to motor vehicle
13 records?

14 A I respectfully decline to answer.

15 Q Same question with respect to license
16 plates information: Are you aware of any
17 information that Local 150 has with respect to
18 license plate information?

19 A I respectfully decline to answer, sir.

20 Q Can you tell me the source of the money
21 used to pay your lawyer?

22 A I respectfully decline to answer.

23 Q Have you paid your lawyer any money?

24 A I respectfully decline.

1 Q Has anyone paid your lawyer any money on
2 your behalf?

3 A I respectfully decline.

4 Q Have you been told that your lawyer
5 would be paid for by anyone else?

6 A I respectfully decline.

7 Q Do you possess any records related to
8 the activities of other Local 150 members?

9 A I respectfully decline.

10 Q Do you have any records or documents
11 related to any business agent of Local 150?

12 A I respectfully decline to answer, sir.

13 Q What records would those be?

14 A I respectfully decline to answer, sir.

15 Q What's the purpose of having such
16 records?

17 A I respectfully decline to answer.

18 Q What type of records do you have?

19 A I respectfully decline.

20 Q Can you tell me the names of any persons
21 that are related to records that you have in your
22 duties as a Local 150 member --

23 A I respectfully decline, sir.

24 Q -- in your duties as a business agent

1 for Local 150?

2 A I respectfully decline, sir.

3 Q Have you ever been turned down for a
4 loan?

5 A I respectfully decline to answer.

6 Q Can you tell me the name of any
7 financial institution that ever turned you down
8 for a loan?

9 A I respectfully decline to answer.

10 Q Can you tell me what type of accounts
11 that you have at a financial institution?

12 A I respectfully decline to answer.

13 Q Do you have any mortgage accounts?

14 A I respectfully decline to answer.

15 Q Do you have any home equity lines of
16 credit?

17 A I respectfully decline to answer.

18 Q Do you have any personal loans?

19 A I respectfully decline to answer.

20 Q Do you have any auto loans?

21 A I respectfully decline to answer.

22 Q Have you ever had a credit card revoked
23 or involuntarily cancelled?

24 A I respectfully decline to answer.

1 Q Have you ever had a credit account
2 involuntarily closed or referred to any
3 collection agency?

4 A I respectfully decline to answer.

5 Q If you do, if you have had a credit
6 account involuntarily closed or referred to a
7 collection agency, can you tell me the name and
8 address of the creditor?

9 A I respectfully decline to answer.

10 Q Can you tell me the reason for the
11 involuntary closing of the account?

12 A I respectfully decline to answer.

13 Q Have you ever been denied a license for
14 a business?

15 A I respectfully decline to answer.

16 Q Have you ever been denied a license for
17 any trade or profession?

18 A I respectfully decline to answer.

19 Q Have you ever applied for any license?

20 A I respectfully decline to answer.

21 Q Have you ever vandalized or destroyed or
22 damaged any property not owned by you?

23 A I respectfully decline to answer.

24 Q Have you ever made any cash payments to

1 Local 150?

2 A I respectfully decline to answer.

3 Q If you have, have you ever paid
4 any -- can you tell me who received any cash
5 payment from you at Local 150?

6 A I respectfully decline to answer.

7 Q Can you give me the name and address of
8 any person who maintained any record of payments
9 into any funds administered by Local 150 made by
10 you?

11 A I respectfully decline to answer.

12 Q Have you ever received any money or
13 thing of value from any fund maintained or held
14 by Local 150?

15 A I respectfully decline to answer.

16 Q From any -- have you ever received any
17 money or thing of value from any fund maintained
18 or held by the International Union of Operating
19 Engineers?

20 A I respectfully decline to answer.

21 Q Have you ever received any money or
22 thing of value from any fund maintained or held
23 by the AFL-CIO?

24 A I respectfully decline to answer.

1 Q Have you ever received any money or
2 thing of value from any fund maintained or held
3 by any officer or employee of Local 150?

4 A I respectfully decline to answer.

5 MR. POLALES: Can we take a break?

6 MR. GUMMERSON: Sure.

7 (Whereupon a recess was
8 taken.)

9 BY MR. POLALES:

10 Q Sir, have you ever obtained any personal
11 information as a result of any inquiry that you
12 made about the ownership or registration of a
13 motor vehicle?

14 A I respectfully decline to answer.

15 Q Have you ever received any information
16 from any investigation or inquiry that you have
17 made that identifies an individual coming from a
18 license plate registration or motor vehicle
19 record?

20 A I respectfully decline to answer.

21 Q Have you ever obtained an individual's
22 photograph coming from a license plate inquiry,
23 registration or motor vehicle record?

24 A I respectfully decline to answer.

1 Q Have you ever obtained a Social Security
2 number of any person coming from an inquiry you
3 made about a license plate registration or motor
4 vehicle record?

5 A I respectfully decline to answer.

6 Q Have you ever obtained a driver
7 identification number, driver's license number,
8 from an inquiry that you made about a license
9 plate registration or motor vehicle record?

10 A I respectfully decline to answer.

11 Q Have you ever obtained the name of a
12 person associated with a license plate vehicle
13 registration or motor vehicle record?

14 A I respectfully decline to answer.

15 Q Have you ever obtained the address of
16 any -- have you ever obtained an address -- let
17 me start this again.

18 Have you ever obtained an address
19 associated with a license plate?

20 A I respectfully decline to answer.

21 Q An address associated with a motor
22 vehicle record?

23 A I respectfully decline to answer.

24 Q Have you ever obtained an address

1 associated with a vehicle registration?

2 A I respectfully decline to answer.

3 Q Have you ever obtained a telephone
4 number associated with a license plate?

5 A I respectfully decline to answer.

6 Q Have you ever obtained a telephone
7 number associated with a motor vehicle record
8 information?

9 A I respectfully decline to answer.

10 Q Have you ever obtained a license plate
11 associated with a vehicle registration record?

12 A I respectfully decline to answer, sir.

13 Q Have you ever obtained any medical
14 disability information from an inquiry you made
15 about a license plate?

16 A I respectfully decline to answer, sir.

17 Q Any medical or disability information
18 from an inquiry you made about a motor vehicle
19 record?

20 A I respectfully decline to answer, sir.

21 Q Do you know a lady named Tammy Barker?

22 A I respectfully decline to answer.

23 Q Have you ever observed a woman named
24 Tammy Barker?

1 A I respectfully decline to answer.

2 Q Have you ever been to the residence of
3 or in the vicinity of the residence of Tammy
4 Barker?

5 A I respectfully decline to answer.

6 Q Have you ever followed Tammy Barker in a
7 motor vehicle?

8 A I respectfully decline to answer, sir.

9 Q Have you ever had any business as a
10 business agent for Local 150 that involved Tammy
11 Barker?

12 A I respectfully decline to answer, sir.

13 Q Do you know a man named Tim Barker?

14 A I respectfully decline to answer, sir.

15 Q And have you ever been to Tim Barker's
16 home?

17 A I respectfully decline to answer.

18 Q Have you ever been in the vicinity of
19 his residence?

20 A I respectfully decline to answer.

21 Q Have you ever had any business duties at
22 Local 150 relating to Tim Barker?

23 A I respectfully decline to answer, sir.

24 Q Do you know a lady named Melisa

1 Merryman?

2 A I respectfully decline to answer.

3 Q Have you ever been to her home?

4 A I respectfully decline to answer.

5 Q Have you ever been in the vicinity of
6 her home?

7 A I respectfully decline to answer, sir.

8 Q Have you ever had any business duties
9 associated with Melisa Merryman?

10 A I respectfully decline to answer, sir.

11 Q Have you reviewed the complaint in this
12 case?

13 A I respectfully decline to answer.

14 MR. POLALES: Can we have a moment?

15 (Whereupon a recess was
16 taken.)

17 BY MR. POLALES:

18 Q Are you aware of a system known as
19 Opticom?

20 A I respectfully decline to answer.

21 Q O-p-t-i-c-o-m.

22 A I respectfully decline to answer.

23 Q Do you use that in the course of your
24 business at Local 150?

1 A I respectfully decline to answer, sir.

2 Q Do you know whether it's used in the
3 course of your business at Local 150?

4 A I respectfully decline to answer, sir.

5 Q Do you know whether anybody at Local 150
6 uses it?

7 A I respectfully decline to answer.

8 Q Do you know the purpose of it?

9 A I respectfully decline to answer.

10 Q Are you familiar with the system?

11 A I respectfully decline to answer.

12 Q Do you have any information about the
13 system?

14 A I respectfully decline to answer, sir.

15 Q Have you ever done any investigation on
16 behalf of Local 150 relating to Tammy Barker?

17 A I respectfully decline to answer.

18 Q Have you ever done any investigation
19 relating to Tim Barker?

20 A I respectfully decline to answer.

21 Q Have you ever done any investigation
22 relating to Melisa Merryman?

23 A I respectfully decline to answer.

24 Q Have you ever done any investigation

1 relating to Tom Merryman?

2 A I respectfully decline to answer, sir.

3 Q Have you ever done any investigation
4 relating to PSI?

5 A I respectfully decline to answer.

6 Q Didn't you give deposition testimony
7 under oath in which you commented that you had
8 obtained motor vehicle records information from
9 the Will County Sheriff?

10 A I respectfully decline to answer, sir.

11 Q Have you ever obtained motor vehicle
12 record information from anyone?

13 A I respectfully decline to answer, sir.

14 Q Any law enforcement personnel giving you
15 any motor vehicle record?

16 A I respectfully decline to answer.

17 Q Is it fair to say that if I continued to
18 ask you questions about your duties as a
19 Local 150 business agent, that you would continue
20 to decline to answer those questions based on the
21 Fifth Amendment?

22 MR. GUMMERSON: I would object as to the
23 form of the question.

24 Go ahead and instruct accordingly.

1 THE WITNESS: I respectfully decline to
2 answer.

3 MR. POLALES: Okay. I think we're done.
4 Thank you very much.

5 MR. GUMMERSON: Thank you. Signature is
6 reserved.

7 FURTHER DEPONENT SAITH NOT.

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PATRICIA A. CADRECHA
Certified Shorthand Reporter
Notary Public,
McHenry County, IL.
CSR License No. 084-002623.

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ERRATA SHEET

Deposition of CHARLES AUGUST on
January 5, 2009.

Page

Line

Correction

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

TAMMY BARKER, TIMOTHY)
ROBERT BARKER, AND MELISA)
MERRYMAN,)
Plaintiffs,)
vs.) No. 08 CV 50015
LOCAL 150 INTERNATIONAL)
UNION OF OPERATING)
ENGINEERS AFL-CIO,)
Defendant.)

I, CHARLES AUGUST, hereby certify that I
have read the foregoing transcript of my
deposition given at the time and place aforesaid,
consisting of Pages 3 through 48, inclusive, and
I do again subscribe and make oath that the same
is a true, correct, and complete transcript of my
deposition so given as aforesaid, with the
corrections noted.

CHARLES AUGUST

Subscribed and sworn to
before me this _____ day of
_____, 200_.

Notary Public

1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF McHENRY)
4

5 TAMMY BARKER, et al.
6 vs.
7 LOCAL 150
8 No. 08 CV 50015
9

10 I, PATRICIA A. CADRECHA, C.S.R., a notary
11 public in and for the County of McHenry and State
12 of Illinois, do hereby certify that the
13 deposition of CHARLES AUGUST was reported by me
14 on January 5, 2009. Upon transcription, the
15 witness, having reserved signature, was notified
16 by letter when his transcript was available for
17 review and signature. Within 28 days, the
18 deponent did not appear nor make arrangements for
19 the reading and signing of said transcript.

20 IN WITNESS WHEREOF, I have hereunto set my
21 hand and seal of office at Cary, Illinois, this
22 _____ day of _____, 200_.

23 _____
24 Patricia A. Cadrecha
Certified Shorthand Reporter
Notary Public,
McHenry County, IL
C.S.R. License No. 084-002623

0	5	al ^[1] - 52:4 Albert ^[1] - 31:10 Alfred ^[1] - 3:19 Amendment ^[67] - 6:10, 7:7, 8:1, 8:3, 8:6, 8:9, 8:18, 8:21, 8:24, 9:4, 9:8, 9:12, 9:16, 9:20, 9:24, 10:4, 10:14, 11:7, 11:11, 11:15, 11:19, 11:23, 12:4, 12:8, 12:13, 12:16, 12:22, 13:3, 13:11, 13:15, 13:19, 13:23, 14:3, 14:6, 14:9, 14:12, 14:15, 14:18, 14:22, 15:2, 15:6, 15:9, 15:13, 15:17, 15:21, 16:1, 16:5, 16:9, 16:14, 16:19, 17:1, 17:6, 17:10, 17:14, 17:19, 18:1, 18:7, 18:12, 18:17, 18:22, 19:5, 19:9, 19:14, 19:20, 20:1, 29:2, 47:21 AND ^[3] - 1:7, 2:5, 51:5 Angela ^[1] - 31:7 Anicki ^[1] - 13:9 answer ^[222] - 4:24, 6:8, 6:15, 6:23, 7:4, 7:11, 7:17, 7:20, 7:23, 8:2, 8:5, 8:8, 8:13, 8:15, 8:17, 8:20, 8:23, 9:3, 9:7, 9:11, 9:15, 10:8, 10:13, 10:18, 10:22, 11:1, 11:3, 13:7, 18:16, 19:8, 19:24, 20:3, 20:6, 20:9, 20:12, 20:16, 20:19, 20:24, 21:5, 21:9, 21:13, 21:17, 21:22, 22:1, 22:4, 22:8, 22:13, 22:17, 22:21, 23:1, 23:5, 23:8, 23:11, 23:14, 23:17, 23:19, 23:22, 24:1, 24:4, 24:7, 24:10, 24:13, 24:16, 24:19, 24:22, 25:1, 25:4, 25:10, 25:14, 25:18, 25:21, 25:24, 26:3, 26:6, 26:10, 26:15, 26:19, 26:21, 26:24, 27:3, 27:5, 27:10, 27:14, 27:18, 27:21, 28:1, 28:5, 28:8, 28:11, 28:14, 28:19, 28:22, 29:5, 29:8, 29:12, 29:15, 29:20, 29:23, 30:2, 30:5, 30:9, 30:13, 30:17, 30:20, 30:22, 30:23, 31:2, 31:4, 31:6, 31:9, 31:12, 31:15,	31:18, 31:21, 31:24, 32:4, 32:6, 32:8, 32:10, 32:14, 32:17, 32:21, 33:1, 33:4, 33:6, 33:9, 33:12, 33:15, 33:17, 33:19, 33:22, 34:1, 34:4, 34:6, 34:9, 34:14, 34:18, 34:22, 35:1, 35:6, 35:9, 35:12, 35:15, 35:18, 35:22, 36:2, 36:7, 36:10, 36:14, 36:19, 36:22, 37:12, 37:14, 37:17, 38:5, 38:9, 38:12, 38:14, 38:17, 38:19, 38:21, 38:24, 39:4, 39:9, 39:12, 39:15, 39:18, 39:20, 39:23, 40:2, 40:6, 40:11, 40:15, 40:20, 40:24, 41:4, 41:14, 41:20, 41:24, 42:5, 42:10, 42:14, 42:20, 42:23, 43:2, 43:5, 43:9, 43:12, 43:16, 43:20, 43:22, 44:1, 44:5, 44:8, 44:12, 44:14, 44:17, 44:20, 44:23, 45:2, 45:4, 45:7, 45:10, 45:13, 45:20, 45:22, 46:1, 46:4, 46:7, 46:9, 46:11, 46:14, 46:17, 46:20, 46:23, 47:2, 47:5, 47:10, 47:13, 47:16, 47:20, 48:2 answers ^[1] - 4:14 appear ^[1] - 52:13 appearance ^[1] - 3:21 APPEARANCES ^[1] - 2:1 appeared ^[2] - 2:7, 2:10 application ^[2] - 10:2, 10:7 applied ^[1] - 39:19 approve ^[1] - 33:13 arrangements ^[1] - 52:13 Assistance ^[5] - 23:13, 24:12, 24:18, 24:24, 25:12 assistance ^[6] - 28:12, 28:16, 28:18, 28:21, 28:24, 29:4 associated ^[9] - 4:18, 42:12, 42:19, 42:21, 43:1, 43:4, 43:7, 43:11, 45:9 attempted ^[1] - 32:15 attention ^[1] - 18:24 attorney ^[3] - 3:16, 49:13, 49:14 attorneys ^[3] - 3:2, 28:6, 28:10 attorneys' ^[2] - 25:2,	25:5 audibly ^[2] - 4:24, 7:19 August ^[6] - 3:19, 3:20, 5:3, 8:14, 13:1, 13:8 AUGUST ^[8] - 1:15, 2:16, 4:7, 49:6, 50:2, 51:13, 51:19, 52:10 auto ^[1] - 38:20 autograph ^[1] - 33:3 available ^[2] - 29:18, 52:12 aware ^[8] - 20:7, 21:6, 25:7, 25:15, 27:6, 27:20, 36:16, 45:18
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